

## **REMARKS/ARGUMENTS**

Applicant appreciates the Examiner's thorough search and examination of the present patent application.

Claims 1, 31, 62, 83 and 109 have been amended to define applicant's invention. Claims 14, 43, 61, 63, 76, 89 and 112 have been cancelled. Applicant respectfully submits that the changes to these claims make explicit that which was already implicit, and are not made for statutory purposes.

Claims 1-8, 11, 13-36, 39-49, 51-53, 56-59, 61-67, 70-86, 89-97, 100, 101 and 104-114 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Freeman et al. ("Freeman," U.S. Patent Application Publication No. 2004/0261127) in view of Gerszberg et al. ("Gerszberg," U.S. Patent Application Publication No. 2003/0142664).

Further, claims 9, 10, 50, 60, 68, 69, 98 and 99 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Freeman in view of Gerszberg in view of Spiegel et al. ("Spiegel," U.S. Patent No. 6,466,918). Applicant respectfully traverses this rejection.

Also, claim 12 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Freeman in view of Gerszberg in view of Quinlan et al. ("Quinlan," U.S. Patent Application Publication No. 2004/0215514).

Moreover, claims 37, 38, 87 and 88 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Freeman in view of Gerszberg in view of Robbins et al. ("Robbins," U.S. Patent No. 5,784,095).

Finally, claims 54, 55, 102 and 103 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Freeman in view of Gerszberg in view of Pease et al. ("Pease," U.S. Patent No. 5,855,515). Applicant respectfully traverses these rejections.

Claim 1, as amended, defines an "interactive network-based marketing method," comprising "arranging a website and a television broadcast in the form of a game[.]" Claim 1 further defines "capturing market data from website users", and "promoting products and services which correspond to the captured marketing data[.]" Claim 1, as amended, further defines that the "users" of the "website" are "television broadcast participants in the game." Applicant's other independent claims, namely 31, 62, 83 and 109 include similar features.

Freeman, in contrast, is directed to enabling a user to control material that the user views

by providing interactivity via multiple video streams associated with different camera angles of a television program, and integrated audio and graphics segments (see abstract). Also, Freeman allows information obtained from Web sites to be integrated into the stream of content provided to a user. Unlike applicant's claim 1, however, users in Freeman do not function as "television broadcast participants." Instead, a user functions "as if he or she has control [a] program is directed," and not as a "participant in [a] game" (see paragraphs 8-9, emphasis added). In Freeman, for example, during a sporting event a user can "call up player statistics on demand, listen to selected interviews, etc." In this way, users can view archived content, but cannot act as a "broadcast participant." In other words, in Freeman, the users are not the players. In accordance with applicant's claim 1, the users are "television broadcast participants" and, unlike Freeman, do not function "as if" they have control.

This distinction between applicant's claim 1 and Freeman is indicated throughout Freeman. For example, paragraph 11, Freeman teaches that the "digital interactive system is based upon branches[,] and the "branches are real-time parallel paths that may be other full-motion video segments ... that are integrated into the live event." At paragraph 45, Freeman describes, for example, different camera angles, slow motion video, prerecorded interactive segments, etc. Applicant respectfully submits that this is patentably distinct from users acting as "television broadcast participants." Further, at paragraph 13, Freeman describes video signals corresponding to different cameras being forwarded to a central control studio, and transmitted with codes over a cable distribution system. The codes enable the users to select the respective portions of content the users wish to view. In contrast with applicant's claim 1, Freeman does not teach or suggest that the users are "television broadcast participants."

Moreover, applicant respectfully submits the distinctions described above are shown in the particular portions of Freeman cited by the Examiner. For example, the abstract, Fig. 1, Fig. 6 and Fig 7 do not teach or suggest the user acting as a "broadcast participant." Instead, the user makes selections that affect a selection of content. At paragraph 5, users are limited to responding to a live broadcast and to receiving feedback concerning the response. Users are not able, unlike applicant's claim 1, to function as "broadcast participants."

Gerszberg is cited by the Examiner for teaching "interactive television, product catalogs related to the content, tracking user profile and preference information and presenting content of

interest to the user.” The Examiner concludes that “it would have been obvious to one having ordinary skill ... to add Gerzberg’s electronic catalog and tailored content to Freeman’s providing product purchasing opportunities[.]” Applicant respectfully disagrees.

Gerszberg describes a “network server platform for a hybrid coaxial/twisted pair local loop network service architecture.” By providing a hybrid network architecture, “bandwidth facilities” are “available over either [coaxial cable or twisted pair] ... to customer devices” (see abstract). This architecture enables cable television and telecommunications services to be provided by a single “interexchange or telephone company” for subscribers. Gerszberg teaches that this architecture improves interactivity and permits a network server platform to “serve both the cable television coaxial cable and a telephone twisted pair network” (see paragraph 14).

Applicant respectfully submits that Gerszberg does not teach or suggest users of the network server platform to act as “broadcast participants.” Thus, even if one were to combine Freeman and Gerszberg as the Examiner has done, applicant’s claim 1 still would not be taught because the combination of features in Freeman and Gerszberg do not teach or suggest all of the features defined in applicant’s claim 1.

Furthermore, Quinlan, Robbins and Pease, also do not supply the elements of applicant’s claim 1 that are missing from the combined teachings of Freeman and Gerszberg. Spiegel, for example, is directed to a hierarchical browse structure for identifying nodes. Quinlan regards redeeming product marketing rebate claims by a consumer. Robbins teaches a graphical interface to provide a television channel “in-band” and “out-of-band” program information to a subscriber for visually scanning and viewing information including for channels not being viewed by a subscriber. Pease regards a casino gaming system in which a central system “need not directly award a prize to a player at an individual gaming device or terminal” (see column 1, line 65-column 2, line 2). None of these references teaches or suggests defining a “user” of the “website” to be “television broadcast participants in the game.”

Claims 31, 62, 83 and 109, as amended, are patentable for these reasons. In particular each of those claims include the feature described above in claim 1 in which users are defined as “participants.” Reconsideration is respectfully requested.

Claims 2-30, 32-61, 63-82, 83-108 and 110-114 depend from 1, 31, 62, 83 and 109, respectively, and are patentable for the same reasons as well as because of the feature defined in

those claims with features set forth in the claim(s) from which they depend.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

EXPRESS MAIL CERTIFICATE

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